

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:) CHAPTER 11 PROCEEDING
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))
JAMES SAMATAS,) CASE NO. 20-BK-17355
))
))
DEBTOR.) HON. A. BENJAMIN GOLDGAR

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **November 23, 2020, at 10:00 a.m.**, I will appear before the Honorable A. Benjamin Goldgar, or any judge sitting in that judge's place, and present the **Motion for Rule 2004 Examination of the DEBTOR - JAMES SAMATAS and CARLYE SAMATAS**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and password. The meeting ID for this hearing is 161 500 0972 and the password is 726993. The meeting ID and password can also be found on the judge's page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ David Paul Holtkamp
David Paul Holtkamp, Trial Attorney
Office of the U.S. Trustee
219 S. Dearborn, Room 873
Chicago, IL 60604
(312) 353-5014

CERTIFICATE OF SERVICE

I, David Paul Holtkamp, an attorney, certify that I served a copy of this notice, the attached motion, and proposed order on each entity shown on the attached list at the address shown and by the method indicated on November 13, 2020, before 5:00 p.m.

/s/ David Paul Holtkamp

SERVICE LIST

Registrants Served Through the Court's Electronic Notice For Registrants:

- Sarah E Barngrover amps@manleydeas.com
- Adam B Hall amps@manleydeas.com
- David Paul Holtkamp David.Holtkamp@usdoj.gov
- Patrick S Layng USTPRegion11.ES.ECF@usdoj.gov

Parties Served via First Class Mail:

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MOTION FOR RULE 2004 EXAMINATION OF THE DEBTOR
JAMES SAMATAS AND CARLYE SAMATAS

NOW COMES PATRICK S. LAYNG, the United States Trustee for the Northern District of Illinois, by his attorney, David Paul Holtkamp, and asks the Court to enter authorizing discovery from JAMES SAMATAS (the “Debtor”) and Ms. CARLYE SAMATAS (or, “Ms. Samatas”) pursuant to Fed. R. Bankr. P. 2004. In support of his request, the United States Trustee states the following:

1. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A) which this Court may hear and determine pursuant to IOP 15(a) and LR40.3.1(a) of the United States District Court for the Northern District of Illinois and Local Rule 9013-9.
2. Movant is the United States Trustee for the Northern District of Illinois and brings this motion pursuant to Fed. R. Bankr. P. 2004.
3. James Samatas (the “Debtor”) initiated this case on September 21, 2020 (the “Petition Date”), by filing a voluntary *pro se* petition for relief under Chapter 11 of the Bankruptcy Code.
4. The Debtor filed along with his *pro se* chapter 11 petition: (i) a list of creditors, (ii) Schedule D, (iii) Form 104 – List of 20 Largest Unsecured Creditors, and (iv) Schedule E/F. A review of the filed documents reveals that they may merely contain rough estimates and contain omissions requiring amendments.

5. On November 2, 2020, the Debtor filed Schedules A/B, C, G, H, I and J and the Statement of Financial Affairs.

6. On October 15, 2020, the U.S. Trustee filed a Motion to Convert or Dismiss Case Pursuant to 11 U.S.C. 1112(b) (the “UST Motion”) [*See Docket No. 14*]. This hearing has been continued until November 23, 2020.

7. The viability of the bankruptcy system depends on debtors making full, candid and complete disclosure of their financial affairs. *See In re Joseph Stanley Varan*, 2014 WL 2881162, *7 (Bankr. N.D. Illinois June 24, 2014)(citations omitted).

8. In the event the Court does not dismiss this case on November 23rd, the U.S. Trustee needs to elicit discovery from Ms. Samatas and the Debtor under Fed. R. Bankr. P. 2004(c), including the production of documents and attendance at depositions, if necessary.

WHEREFORE, the U.S. Trustee requests the Court to enter an order limiting notice of this motion to that given and authorizing the United States Trustee to conduct discovery of the Debtor-James Samatas and Carlye Samatas under Fed. R. Bankr. P. 2004(c), and for such other relief as is just.

RESPECTFULLY SUBMITTED:

PATRICK S. LAYNG
UNITED STATES TRUSTEE

Dated: November 13, 2020

BY: David Paul Holtkamp
David Paul Holtkamp, Attorney
Office of the U.S. Trustee
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(312) 353-5054